

STUART HANLON, CSBN: 66104  
SARA RIEF, CSBN: 227279  
LAW OFFICES OF HANLON & RIEF  
179 11<sup>th</sup> Street, 2<sup>nd</sup> Floor  
San Francisco, CA 94103  
PH: (415) 864-5600  
Attorneys for Defendant  
BENJAMIN CAMPOS-GONZALEZ  
RICHARD B. MAZER  
LAW OFFICES OF RICHARD B. MAZER  
99 Divisadero Street  
San Francisco, CA 94117  
PH: (415) 621-4100  
Attorneys for Defendant  
VICTOR FLORES  
DAVID LEE ANDERSEN  
ANDERSEN & ZIMMER  
385 Grand Avenue, Suite 300  
Oakland, CA 94610  
PH: (510) 835-4952  
Attorneys for Defendant  
JUSTIN WHIPPLE  
LINDA FULLERTON  
54 Railroad Avenue, #11  
Point Richmond, CA 94801  
PH: (510) 232-4000  
Attorneys for Defendant  
ARMANDO ACOSTA

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
BENJAMIN CAMPOS-GONZALEZ, et. al.,  
  
Defendants.

No. CR-12-0119 SI

**DEFENDANTS' UNOPPOSED *EX PARTE* APPLICATION TO FILE  
OVERSIZE BRIEF IN SUPPORT OF  
DEFENDANT'S MOTION TO  
SUPPRESS WIRETAP EVIDENCE;  
~~PROPOSED~~ ORDER**

Court: Honorable Susan Illston

1 Defendant BENJAMIN CAMPOS-GONZALEZ, through counsel and on behalf of all  
2 defendants joining in the motion to suppress, respectfully requests permission of the Court to file  
3 an oversize brief in support of his motion to suppress wiretap in this case. This motion is  
4 brought pursuant to Criminal Local Rule 47-2 and Civil Local Rules 7-2 and 7-11.

5 The defendants' proposed facial challenge to the wiretap applications and orders, which is  
6 submitted under seal herewith, is over 55 pages. This exceeds the page limitation of 25 pages for  
7 opening briefs. Civil L.R. 7-2. Counsel for the defense has spoken with government counsel  
8 regarding their intent to seek permission to file an oversize brief. Government counsel stated that  
9 the government had no objection to the defense filing an oversize brief, with the following  
10 understanding: the government may seek additional time to respond to the brief based on the  
11 length and content of the arguments, and the defense agrees that it would not object to that  
12 request, provided that the defense has adequate time to file a reply prior to the hearing date.

13 Defendants respectfully submits that good cause exists for the filing of the oversize brief  
14 for the following reasons:

15 The number of wiretaps involved in this case is significant. The government sought and  
16 obtained a combined total of six wiretap orders in state and federal court. The four state wiretap  
17 orders authorized surveillance of twelve telephone lines. The two federal wiretap orders  
18 authorized surveillance of three telephone lines. There are distinct issues that must be addressed  
19 with respect to many of the phone lines, and with respect to the state and federal orders generally.

20 In addition, the affidavits the government submitted in support of the wiretaps are  
21 lengthy. The primary state wiretap application is over 100 pages in length. In order to  
22 adequately summarize the relevant facts for purposes of the wiretap challenge, the defense's  
23 Statement of Facts alone is over twenty pages long.

24 Finally, the defense has identified several important defects in the applications and orders  
25 that are factually and legally independent from the other defects, and that require separate factual  
26

1 development and legal argument. These issues are significant – each pertains to the facial  
2 validity of one or more of the state and federal orders. The number of pages devoted to each  
3 issue is not excessive, and the defense has attempted to avoid repetition, extraneous argument,  
4 and unnecessary verbiage throughout the brief.

5 For the foregoing reasons, the defense respectfully requests leave of the Court to file a  
6 brief in excess of 25 pages, as submitted to the Clerk for the Court on July 26, 2013.

7  
8 Dated: July 25, 2013.

Respectfully submitted,

9 /s/ Stuart Hanlon

10 STUART HANLON  
11 Attorney for Defendant  
12 BENJAMIN CAMPOS-GONZALEZ

13 **IT IS SO ORDERED.**

14  
15 Dated: July <sup>26</sup>\_\_\_\_\_, 2013.



16 HON. SUSAN ILLSTON  
17 United States District Court Judge  
18  
19  
20  
21  
22  
23  
24  
25  
26